

## Faulk, Camilla

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**From:** Karl Hack [attorneykarlhack@comcast.net]  
**Sent:** Saturday, October 29, 2011 4:18 PM  
**To:** Faulk, Camilla  
**Subject:** Standards for Indigent Defense Services

\*\*\* Dear Clerk of the WA State Supreme Court:

I am writing to urge the WA State Supreme Court to not adopt the proposed new rule requiring public defenders to have office space dedicated to meeting with clients, receiving mail and making telephone calls. Here is the verbatim text of the proposed rule:

"Public defense attorneys shall have an office that accommodates confidential meetings with clients and receipt of mail, and adequate telephone services to ensure prompt response to client contact."

My reasoning for my position is simple: It is not necessary to impose this cost on public defense attorneys. However, let me begin with one absolute:  
I will not, under any circumstances, reveal my home address to my clients.  
Therefore, creating the required "office" in my home is a non-starter. The reason for this should be obvious.

I myself have been practicing almost 100% public criminal defense for the Thurston County Office of Assigned Counsel conflict panel since 2002, and I rarely need to meet with clients in person outside of court hearings. In most cases I can simply discuss cases with clients over the telephone. When it becomes necessary to meet with a client in person one can do this in other places such as meeting rooms at the court house or in public libraries. Since I essentially work for the Thurston County Office of Assigned Counsel it is also possible to use their conference room to meet with clients. For my many clients who are in custody in our local jail, there are meeting rooms inside of the jail which are adequate for meetings.

Of the roughly 140-160 cases that I receive each year, I estimate that perhaps 10 out-of-custody clients at most insist on meeting with me in an office setting each year. It simply is not necessary to force me to incur \$300.00 to \$700.00 each month in additional costs in order to preserve an office setting for such meetings, and it goes without saying that I am not getting rich by practicing public indigent defense. Although I happen to have my own office and attached access to a conference room, I frankly resent being forced to incur an unnecessary cost which has nothing to do with my effectiveness as an attorney.

As for telephone conversations and receipt of mail, cellular phones are perfectly adequate for having confidential conversations with clients, and mail delivered to post office boxes is actually more secure than mail delivered to a physical address. I cannot see a rational reason for the proposal to force attorneys to access telephone and mail service through a physical office.

In short, the proposed changes will add little to nothing to the effectiveness of public defense attorneys. They will only add one thing:  
cost, which we probably cannot pass on to the government entities that pay us to defend the indigent. Public defenders have been defending their clients just fine without such regulation up to this point. The proposed changes are unnecessary, and will only serve to add more pressure to our practice. Thank you.

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